

TEXAS DEPARTMENT OF AGRICULTURE

TODD STAPLES
COMMISSIONER

August 1, 2011

The Honorable Ray LaHood
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590-0001

RE: Docket No. FMCSA-2011-0146

Dear Mr. Secretary:

Thank you for the opportunity to provide comments on the Federal Motor Carrier Safety Administration's (FMCSA) request for guidance on how federal transportation regulations could adversely affect agriculture production.

The agriculture industry generates approximately \$100 billion for the Texas economy and employs one in every seven working Texans. Agriculture production is deeply ingrained in all regions of our state, and Texas strives to successfully balance the transportation needs of agriculture with the public infrastructure and safety needs. The importance of an efficient transportation system is a major reason why Federal Motor Carrier Safety Regulations (FMCSRs) must offer state's flexibility in implementation.

As the FMCSA proposal indicates, distinguishing interstate from intrastate commerce is a key issue in application of FMCSR. The transportation and delivery system that carries U.S. agriculture goods throughout the world is based on an intricate network, not a single farmer who plants, harvests and delivers a product to the end consumer. A farmer hauling a crop from harvest to the first point of delivery is intrastate commerce; therefore this stage of transportation should not trigger the FMCSRs.

In regard to efforts to utilize compensation structures to determine whether farm vehicle drivers are subject to commercial driver's license (CDL) requirements, Texas law provides a CDL exemption to producers moving agricultural products, farm machinery or supplies to or from a property within a 150 miles of their farm or ranch. This state provision is also consistent with Internal Revenue Service guidance, affirming that FMCSA should not parse income arrangements to determine CDL requirements but focus instead on an agriculture producer's need to access the market.



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Finally, FMCSA asked for guidance on determining whether certain off-road farm equipment and implements of husbandry operated on public roads for limited distances should be considered Commercial Motor Vehicles (CMV) and be subjected to CMV safety regulations. Reclassifying off-road farm equipment could have an adverse impact on agriculture producers' ability to operate their own equipment and could result in unnecessary costs to both producers and regulators who would be responsible for applying highway safety standards designed for general vehicular traffic to machinery that travels low speeds and very short distances.

Thank you for the opportunity to provide input to the Federal Motor Carrier Safety Administration's request for guidance. Please feel free to contact me if I may facilitate further guidance, in conjunction with Texas' agricultural producers, as the FMCSA moves forward in its efforts to promote the movement of goods and people along our nation's roadways.

Sincerely yours,

A handwritten signature in black ink that reads "Todd Staples". The signature is written in a cursive, flowing style.

Todd Staples

TS/JM/jm